DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,598,745 to Bolnick ("Bolnick").

Regarding claim 1, Bolnick teaches a medicament blister pack label comprising a first sheet (second sheet 60) having first and second faces (second and first major surfaces 62 and 61, respectively) and a second sheet (first sheet 55) having first and second faces (second and first major surfaces 57 and 56, respectively), wherein the first face of the second sheet (57) and the second face of the first sheet (61) are opposed and bonded together (by way of temporary adhesive 59, as seen in fig. 14); and wherein

the first face of the first sheet (62) includes a permanent adhesive (64), but fails to teach the sheets including lines of weakness defining medicament release zones. However, Bolnick, in an alternative embodiment, provides such teachings (see col. 3, lines 54-56, teaching the provision of perforations to facilitate the removal of the removable portions in a sheet). It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide perforations in the removable portions of the first and second sheets overlying the medicament release zones, as taught by Bolnick, in order to facilitate access to the medicament.

Regarding claim 2, when Bolnick is modified (in the manner and for the reason set forth in the rejection of claim 1, above), the resultant combination teaches the medicament blister pack label of claim 1, wherein the first face of the first sheet is fully coated with a permanent adhesive (see fig. 14, in which permanent adhesive 64 is applied to the entire first face of the first sheet 62).

Regarding claim 3, when Bolnick is modified (in the manner and for the reason set forth in the rejection of claim 1, above), the resultant combination teaches the medicament blister pack label of claim 1, wherein the first face of the first sheet includes permanent adhesive applied only in areas that are not adjacent to medicament release zones (see figs. 17 and 21, in which permanent adhesive 99 is not applied in areas adjacent to the medicament release zones).

Regarding claim 4, Bolnick teaches the medicament blister pack label of claim 3, wherein temporary adhesive is applied to the areas of the first face of the first sheet not coated with permanent adhesive (see fig. 14, in which permanent adhesive 64 covers

the entire first face of the first sheet 62, and so, no temporary adhesive is present; alternatively, see fig. 21, in which removable adhesive 103 is located in areas not covered by permanent adhesive 99).

Regarding claim 6, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the first and second sheets being bonded by means of a second permanent adhesive. However, Bolnick provides such teaching (see col. 4, lines 3-6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to bond the first and second sheets together with the use of permanent adhesive, in order make it possible to remove the removable portions of the labels simultaneously (as shown in fig. 10), thereby providing easier access to the medicaments for adults.

Regarding claim 7, Bolnick teaches the medicament blister pack label of claim 1, wherein the lines of weakening defining medicament release zones comprise perforations (see col. 3, lines 54-56, teaching the provision of perforations to facilitate the removal of the removable portions in a sheet).

Regarding claim 8, Bolnick teaches the medicament blister pack label of claim 7, wherein the lines of weakness penetrate a full thickness of the label (see col. 3, lines 54-56, teaching the provision of perforations to facilitate the removal of the removable portions in a sheet; note also the rejection of claim 1, above, in which motivation is established for providing such perforations in both the first and second sheets).

Regarding claim 9, Bolnick teaches the medicament blister pack label of claim 1 wherein the label comprises a release sheet (carrying sheet 10) opposing the first face of the first sheet (represented by numeral 18 in fig. 3).

Regarding claim 10, Bolnick teaches the mediciament blister pack of claim 9 wherein the release sheet comprises a sheet material having a silicone coating (see col. 4, lines 1-2).

Regarding claim 11, Bolnick teaches the medicament blister pack label of claim 1 wherein the first sheet is made of a synthetic material (see col. 6, lines 6-8).

Regarding claim 13, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the first sheet having a weight selected from the group consisting of: 15 to 100 g/m^2, 20 to 50 g/m^2 and about 30 g/m^2. However, it has been held that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" (see In Re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 [CCPA 1955]).

Regarding claim 14, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the first sheet having a thickness selected from the group consisting of 15 to 120 micrometers, 20 to 60 micrometers and about 30 micrometers. However, it has been held that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" (see In Re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 [CCPA 1955]).

Regarding claim 15, when Bolnick is modified (in the manner and for the reason set forth in the rejection of claim 1, above), the resultant combination teaches the medicament blister pack label of claim 1 wherein the second sheet comprises a printable material (see col. 6, lines 6-8, teaching that the second sheet is preferably made from paper or a synthetic material).

Regarding claim 16, Bolnick, as modified, teaches the medicament blister pack label of claim 15, wherein the second sheet is a paper material (see col. 6, lines 6-8, teaching that the second sheet is preferably made from paper or a synthetic material).

Regarding claim 17, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the second sheet having a weight selected from the group consisting of 50 g/m^2 or more, 50 to 400 g/m^2, 60 to 200 g/m^2, and 70/150 g/m^2. However, it has been held that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" (see In Re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 [CCPA 1955]).

Regarding claim 18, Bolnick teaches the medicament blister pack label of claim 17, but fails to teach the second sheet having a weight selected from the group consisting of 80 to 120 g/m^2 and about 85 g/m^2. However, it has been held that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" (see In Re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 [CCPA 1955]).

Regarding claim 19, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the second sheet having a thickness selected from the group consisting of 50 to 400 micrometers, 50 to 150 micrometers and 60 to 100 micrometers. However, it has been held that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation" (see In Re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 [CCPA 1955]).

Regarding claim 20, Bolnick teaches a medicament blister pack comprising: i) a molded plastics tray including a plurality of molded cavities or recesses (blister card package 1; see col. 3, lines 20-21, describing the blister card package as "conventional"; note that "conventional" blister card packages are made of plastic material), wherein each of the plurality of molded cavities or recesses contains a medicament (see fig. 14, showing medicaments 69 within cavities), said medicament being held in place by a foil retaining sheet (see col. 6, lines 13-15); and ii) a label as claimed in claim 1 (see rejection of claim 1, above).

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnick in view of U.S. Patent No. 5,154,956 to Fradrich ("Fradrich").

Regarding claim 5, Bolnick teaches the medicament blister pack label of claim 1, but fails to teach the permanent adhesive being an acrylic emulsion permanent adhesive. However, Fradrich provides such teaching (see col. 5, lines 62-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to

utilize an acrylic emulsion permanent adhesive, as taught by Fradrich, in order to preserve the strength of the bond in a variety of temperatures.

Regarding claim 12, when Bolnick is modified by Fradrich (in the manner and for the reasons set forth in the rejection of claim 5, above), the resultant combination teaches the medicament blister pack label of claim 11, but fails to teach the first sheet being made of polyethylene. However, Fradrich provides such teaching (see col. 2, lines 1-7, describing release liners made of paper sandwiched between two layers of polyethylene film). It would have been obvious to a person of ordinary skill in the art at the time of the invention to replace the Bolnick first sheet with a polyethylene sandwiched layer, as taught by Fradrich, in order to prevent the layer from curling when attached to the blister pack assembly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN V. LEWIS whose telephone number is (571)270-5052. The examiner can normally be reached on M-F 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JVL/

/Monica S. Carter/
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